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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,515	10/27/2003	Daniel Howard Lann	Lann01	2676

7590 09/30/2005
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EXAMINER

BALSIS, SHAY L

ART UNIT PAPER NUMBER

1744

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/694,515	LANN, DANIEL HOWARD	
	Examiner	Art Unit	
	Shay L. Balsis	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

The applicant's response to the restriction requirement, electing group I, has been received however, after further consideration the Examiner is withdrawing the restriction and therefore claims 1-17 are being examined.

Claim Objections

Claim 17 is objected to because of the following informalities: Claim 17 depends from claim 18 however; there is no claim 18. The examiner believes that claim 17 is to depend from claim 16 and therefore, that is how the claim is being examined. Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 17. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4, 7, 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Greiner (USPN 6676181).

Greiner teaches a grill cleaner comprising a plurality of substantially cylindrical clip members (14) having a longitudinal opening for receiving the metal rods of the grill rack. The clip members have a hollow interior approximately the same as the circular cross section of the metal rods. There is a rigid main body (13), which the clip members are attached to. The clip members are securely attached to the main body in a parallel manner and are spaced apart from each other in a transverse direction (claim 1). There is an elongated handle (12) attached to the main body (claims 2 and 17). The main body is made of metal rods (13) (claim 4). The clip members are welded to the main body (16; col. 2, lines 34-35) (claim 7).

In use, the grill cleaner is placed on the grill rack such that the openings of the clip members rest on the metal rods of the grill racks. Pressure is applied to the grill cleaner to force the clip members against the rods of the grill rack, causing the rods to be inserted into the clip members. The device is then slid along the longitudinal direction of the metal rods (claim 16).

Claims 1-2, 4, 8, 10-12, 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rood (USPN 5255406).

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Rood teaches a grill cleaner comprising a plurality of substantially cylindrical clip members (12) having a longitudinal opening for receiving the metal rods of the grill rack (claim 1 and 11). The clip members have a hollow interior (34) approximately the same as the circular cross section of the metal rods (claim 1). There is a rigid main body (22), which the clip members are attached to (claim 1). The clip members are securely attached to the main body in a parallel manner and are spaced apart from each other in a transverse direction (claim 1). There is an elongated handle (20) attached to the main body (claims 2, 12 and 17). The main body is made of a metal plate (22) (claim 4). The clip members are adjustably secured to the main body (figure 1 and 3) (claim 8). The main body comprises a slot (23) and a set of screws (40) adjustably secured in the slot. The clip members have a longitudinal opening (34) and the clip members are attached to the screws (claim 10).

In use, the grill cleaner is placed on the grill rack such that the openings of the clip members rest on the metal rods of the grill racks. Pressure is applied to the grill cleaner to force the clip members against the rods of the grill rack, causing the rods to be inserted into the clip members. The device is then slid along the longitudinal direction of the metal rods (claim 16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greiner in view of Gessert (USPN 6023810).

Greiner teaches all the essential elements of the claimed invention however fails to teach that elongated handle is detachable. Gessert teaches a grill cleaning device comprising a detachable handle (6). It would have been obvious to modify the handle of Greiner so that is detachable as taught by

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Gessert since making elements separable is an example of a modification that has been considered to be within the level of ordinary skill in the art. *In re Dulberg* 129 USPQ 348, 349.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greiner or Rood.

Greiner or Rood teach all the essential elements of the claimed invention however fail to teach what thickness the sheet metal material of the clip member is. It would have been obvious to one of ordinary skill in the art to use sheet metal that is less than 1/8 or 1/16 of an inch thick, since differences thickness will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such thickness is critical. "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rood in view of Amundsen (USPN 4214342).

Rood teaches all the essential elements of the claimed invention including a truncated pyramid portion for attaching to the main body (figure 5) however, the references fails to teach a clip member with a spear at one end. Amundsen teaches a grill cleaning scraper comprising a spear (24) at one end. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the clip members of Rood so that it they have a spear on the ends as taught by Amundsen since the spear will help to thoroughly scrape food and other deposits from the grill rods.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rood.

Rood teaches all the essential elements of the claimed invention however fail to teach what thickness the sheet metal material of the clip member is. It would have been obvious to one of ordinary skill in the art to use sheet metal that is less than 1/8 of an inch thick, since differences thickness will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such thickness is critical. "[W]here the general conditions of a claim are disclosed in the prior art, it is not

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inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rood as applied to claim 13 above.

Rood teaches all the essential elements of the claimed invention however fails to teach that the clip members are spot welded to the screws. Rood teaches that the clips and screws are separate elements. It would have been obvious at the time the invention was made to spot weld the clips to the screws since making element integral is a modification that has been considered to be within the level of ordinary skill in the art to follow. *In re Larson*. 144 USPQ 347, 349.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rood as applied to claim 13 further in view of Gessert (USPN 6023810).

Rood teaches all the essential elements of the claimed invention however fails to teach that elongated handle is detachable. Gessert teaches a grill cleaning device comprising a detachable handle (6). It would have been obvious to modify the handle of Rood so that is detachable as taught by Gessert since making elements separable is an example of a modification that has been considered to be within the level of ordinary skill in the art. *In re Dulberg* 129 USPQ 348, 349.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
9/26/05



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PRIMARY EXAMINER
GROUP 3400

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